

# EXHIBIT A

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss**

**SUPERIOR COURT  
DOCKET NO.**

**YESNER JIMENEZ,**

**Plaintiff**

**v.**

**CVS PHARMACY, INC.,**

**Defendant**

**COMPLAINT AND JURY CLAIM**

**THE PARTIES**

1. The Plaintiff, Yesner Jimenez, is an individual residing in Middlesex County, Massachusetts.
2. The Defendant, CVS Pharmacy, Inc. is a duly licensed Rhode Island foreign corporation with a principal place of business located at 1 CVS Drive, Woonsocket, Providence County, Rhode Island, with retail locations throughout Suffolk County, Massachusetts.

**COUNT I - NEGLIGENCE**

**YESNER JIMENEZ v. CVS PHARMACY, INC.**

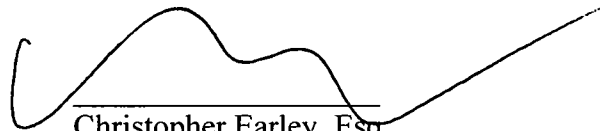
3. The Plaintiff repeats and realleges Paragraphs 1-2 as if fully set forth herein.
4. On or about April 29, 2018 at roughly 9:30 pm the Plaintiff was patronizing the Defendant's retail store located at 624 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts.
5. At all relevant times the Defendant was the owner of the Property.
6. While upon the Defendant's premises Plaintiff was caused to slip and fall due to an unreasonable amount of water located on the floor.

8. The Plaintiff was at all times pertinent to this Complaint, in the exercise of due care.
9. As a direct and proximate result of the negligence of the Defendant, the Plaintiff sustained serious and permanent personal injuries, great pain and suffering, mental anguish, lost wages and/or diminished earning capacity as well as past, present and future medical expenses.

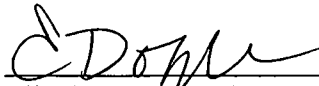
WHEREFORE, Plaintiff demands judgment against the Defendant for the full amount of her damages, including all costs and interest as of the date of the incident, April 29, 2018.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS**

Respectfully Submitted,  
Plaintiff,  
By his Attorney,



Christopher Earley, Esq.  
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Dated: March 24, 2021

<b>CIVIL ACTION COVER SHEET</b>	TRIAL COURT OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT	DOCKET NO. _____
	COUNTY <b>SUFFOLK</b>	
	OF	
<b>PLAINTIFF(S) YESNER JIMENEZ</b>	<b>DEFENDANT(S) CVS PHARMACY, INC.</b>	

Type Plaintiff's Attorney name, Address, City/State/Zip  
Phone Number and BBO#

Type Defendant's Attorney Name, Address, City/State/Zip  
Phone Number (If Known)

Christopher Earley, Esq.  
44 School Street, Suite 805  
Boston, MA 02108  
T 617 338 7400  
BBO # 660824

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)			
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
	<b>B03 Motor Tort Negligence-personal injury/property damage - Fast Tr</b>		<input checked="" type="radio"/> Yes <input type="radio"/> No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS (Attach additional sheets as necessary)	
<p>A. Documented medical expenses to date:</p> <ol style="list-style-type: none"> <li>1. Total hospital expenses</li> <li>2. Total doctor expenses</li> <li>3. Total chiropractic expenses</li> <li>4. Total physical therapy expenses</li> <li>5. Total other expenses (describe)</li> </ol> <p>B. Documented lost wages and compensation to date</p> <p>C. Documented property damages to date</p> <p>D. Reasonably anticipated future medical expenses</p> <p>E. Reasonably anticipated lost wages and compensation to date</p> <p>F. Other documented items of damages (describe)</p> <p>G. Brief description of plaintiff's injury, including nature and extent of injury (describe)</p> <p><i>Including but not limited to A right knee meniscal tear requiring surgery.</i></p>	<p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>Subtotal \$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>Total \$ <u>50,000.00</u> <i>In excess of</i></p>

CONTRACT CLAIMS (Attach additional sheets as necessary)	
Provide a detailed description of claim(s):	
TOTAL	\$.....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record  
A.O.S.C. 3-2007

Date: 3-24-21

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 2184CV00694

Yesner Jimenez PLAINTIFF(S),

v.

CVS Pharmacy, Inc. DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO CVS Pharmacy, Inc. (Defendant's name)

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
  - a. Filing your **signed original** response with the Clerk's Office for Civil Business, Superior Court, Three Pemberton Sq. (address), by mail or in person, **AND**
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: 44 School Street, Boston, MA 02108
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-filing/rules-of-court.


A true copy Attest:

Joseph P. Casey  
Deputy Sheriff Suffolk County

4-13-21

4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).
5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on April 5, 2021.

  
Michael Joseph Donovan  
Clerk-Magistrate

**Note:** The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

### PROOF OF SERVICE OF PROCESS

I hereby certify that on \_\_\_\_\_, 20\_\_\_\_, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5)):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_

**N.B. TO PROCESS SERVER:**

**PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX – BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.**

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